IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.1452 OF 2006

Ratnagiri Municipal Council, Ratnagiri ..Petitioner.

V/s.

Shri Balkrishna Narayan Borkar ..Respondent.

WITH

WRIT PETITON NO.1454 OF 2006

Ratnagiri Municipal Council, Ratnagiri ..Petitioner.

V/s.

Shri Dattatraya Narayan Lad ..Respondent.

WITH

WRIT PETITON NO.1456 OF 2006

Ratnagiri Municipal Council, Ratnagiri ..Petitioner.

V/s.

Shri Dattatraya Vishnu Shelar ..Respondent.

Mr.C.R. Sonawane for petitioner in all the petitions.

Mr.M.S.Topkar for respondent in all the petitions.

CORAM : V.C.DAGA, J.

DATED : 28TH APRIL, 2006.

P.C. :-

Heard learned counsel for petitioner and respondent. The issue involved and as sought to be canvassed by Mr.Sonawane appearing on behalf of Municipal Council was considered by the learned Single

Judge (Nishita Mhatre, J.) in Writ Petition No.4754 of 2004 decided on 2nd July, 204 in the case of the very same Municipal Council [i.e. The Chief Officer, Ratnagiri Municipal Council V/s. Chandrashekar Sitaram Pimputkar] (unreported).

2. Similar matter was taken before the Division Bench in Letters Patent Appeal No.483 of 2004 arising out of Writ Petition No.4596 of 2004, the very same question was raised before the Division Bench presided over by Shri R.M.Lodha, J. The said L.P.A. came to be rejected by an order dated 5th April, 2005 [The Chief Officer, Ratnagiri Municipal Council V/s. Pandharinath Ganpat Salvi].

3. The view taken by the Courts below is in consonance with the above view taken by the learned Single Judge as well as learned Division Bench of this Court. In this view of the matter, no case is made out to interfere with the impugned order.

4. All the petitions are thus dismissed in limine with no order as to costs.

5. Needless to mention that in spite of the dismissal of the petitions, it would be open for the parties to negotiate for settlement with respect to all contentions involved in the dispute.

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